

CCRB INVESTIGATIVE RECOMMENDATION

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|--|-------------------------------------|---------------------------|---|------------------------------------|---------------------------------|
| Investigator: Christina Vuong | Team: Team # 3 | CCRB Case #: 201404373 | <input type="checkbox"/> Force | <input type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input checked="" type="checkbox"/> Abuse | <input type="checkbox"/> O.L. | <input type="checkbox"/> Injury |
| Incident Date(s) Sunday, 05/04/2014 10:30 PM | Location of Incident: § 87(2)(b) | Precinct: 26 | 18 Mo. SOL 11/4/2015 | EO SOL 11/4/2015 | |
| Date/Time CV Reported Tue, 05/06/2014 1:08 PM | CV Reported At: CCRB | How CV Reported: Phone | Date/Time Received at CCRB Tue, 05/06/2014 1:08 PM | | |

| Complainant/Victim | Type | Home Address |
|--------------------|------------|--------------|
| § 87(2)(b) | § 87(2)(b) | § 87(2)(b) |

| Subject Officer(s) | Shield | TaxID | Command |
|---------------------|--------|--------|---------|
| 1. LT Raymond Meyer | 01869 | 925742 | PSA 6 |

| Witness Officer(s) | Shield No | Tax No | Cmd Name |
|----------------------|-----------|--------|----------|
| 1. POF Katy Gonzalez | 27927 | 945777 | PSA 6 |

| Officer(s) | Allegation | Investigator Recommendation |
|--------------------|---|-----------------------------|
| A.LT Raymond Meyer | Abuse: Lt. Raymond Meyer questioned § 87(2)(b) | § 87(2)(b) |
| B.LT Raymond Meyer | Abuse: Lt. Raymond Meyer threatened § 87(2)(b) with the use of force. | § 87(2)(b) |
| C.LT Raymond Meyer | Abuse: Lt. Raymond Meyer refused to provide his name to § 87(2)(b) | § 87(2)(b) |

Case Summary

On May 4, 2014 at 10:30 p.m., § 87(2)(b) was approached by Lt. (then Sgt.) Raymond Meyer and PO Katy Gonzalez of PSA 6 in the ground-floor stairwell of his residence, located at § 87(2)(b) in Manhattan (encl. C1-8). An officer determined by the investigation as Lt. Meyer questioned § 87(2)(b) on whether he lived in the building (**Allegation A**). As § 87(2)(b) continued to walk towards the stairwell door out to the lobby, § 87(2)(b) alleged that Lt. Meyer threatened to punch him (**Allegation B**). § 87(2)(b) alleged that when he asked for the officers' names, Lt. Meyers refused to provide it to him (**Allegation C**). PO Gonzalez verbally identified herself to § 87(2)(b) upon his request. No summons or arrest resulted from this incident.

On December 17, 2014, the case was reassigned from Investigator Simon Wang to Investigator Christina Vuong for closure.

Mediation, Civil and Criminal Histories

- On May 12, 2014, § 87(2)(b) rejected mediation, § 87(2)(b) (encl. C5).
- On December 18, 2014, a Notice of Claim inquiry was submitted electronically to the New York City Comptroller's Office, and is pending a response (encl. F16-17).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- § 87(2)(b) previously filed one CCRB complaint, § 87(2)(b).
- Lt. Meyer has been a member of the service for 14 years and there are no substantiated allegations against him (encl. B1). He has had two prior CCRB cases, the last one from seven years ago, where various allegations were exonerated, unfounded, and unsubstantiated, § 87(2)(g).

Potential Issues

- § 87(2)(b) is part of the Grant Houses, a New York City Housing Authority (NYCHA) complex (encl. G13-14). § 87(2)(g)

Findings and Recommendations

Allegations not pleaded

- § 87(2)(b) did not allege that he was stopped, and stated he voluntarily provided his ID to the officers without being asked (encl. C1-8). § 87(2)(g)

Explanation of Subject Officer Identification

§ 87(2)(b) stated that PO Gonzalez questioned him (encl. C1-8). However, Lt. Meyer and PO Gonzalez stated that Lt. Meyer questioned § 87(2)(b) (encl. D3-4, D9-10). § 87(2)(g)

Allegation A- Abuse of Authority: Lt. Raymond Meyer questioned § 87(2)(b)

It is undisputed that inside the ground floor stairwell of § 87(2)(b), part of the Grant Houses NYCHA development, § 87(2)(b) was asked if he resided in the building. The ground floor stairwell permits access to the building lobby as well as an emergency exit that leads to the rear of the building.

§ 87(2)(b) whose CCRB statement was provided eight days after the incident, stated that he gained access into the stairwell through the rear emergency exit, which residents typically left ajar for convenience (encl. C1-8). He admitted that the emergency exit was not meant to be used as a regular entrance. At the time he entered the stairwell, § 87(2)(b) saw the officers simultaneously entering the stairwell through the lobby door. Apart from asking him whether he lived in the building, he stated that the officers did not ask any other questions. He noted that Lt. Meyer later instructed § 87(2)(b) not to run towards him.

Lt. Meyer and PO Gonzalez provided CCRB statements over four months after the incident date (encl. D3-4, D9-10). While conducting a vertical patrol of § 87(2)(b), the officers consistently stated that they saw him running down the stairs towards them. Lt. Meyer stated that he suspected § 87(2)(b) of trespassing because he did not recognize § 87(2)(b) from his prior patrols and because of § 87(2)(b)'s running.

§ 87(2)(g)

PO Gonzalez noted on the handwritten Stop, Question, and Frisk report that she suspected him of criminal trespass, and that he engaged in actions indicative of acting as a lookout (encl. D8). § 87(2)(g)

Mere presence in a NYCHA building is insufficient to justify an officer's inquiry into whether the individual is there lawfully. Officers conducting vertical patrols must have some objective credible reason to request information about a person's residency. People v. Ventura, 913 N.Y.S.2d 543 (2010) (encl. A1-2).

§ 87(2)(g)

Allegation B- Abuse of Authority: Lt. Raymond Meyer threatened § 87(2)(b) with the use of force.

Allegation C- Abuse of Authority: Lt. Raymond Meyer refused to provide his name to § 87(2)(b)

§ 87(2)(b) alleged that as he walked towards the door towards the lobby, in the officers' direction, Lt. Meyer raised his right hand in a fist and said, "Don't run towards me, or I'll pop you" (encl. C1-8). § 87(2)(b) alleged that when he asked Lt. Meyer for his name, Lt. Meyer responded, "No, you ain't getting nothing." Lt. Meyer and PO Gonzalez consistently stated that § 87(2)(b) was running towards them (encl. D3-4, D9-10). However, they denied that Lt. Meyer raised his fist at § 87(2)(b) or threatened to "pop" § 87(2)(b). Whereas Lt. Meyer did not recall hearing § 87(2)(b) ask for his name, PO Gonzalez corroborated § 87(2)(b)'s request and stated that both she and Lt. Meyer verbally provided the information to him. The officers denied that Lt. Meyer said that § 87(2)(b) "ain't getting nothing." § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Team:

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|---------------|-----------------|-------|-------|
| Investigator: | _____ | _____ | _____ |
| | Signature | Print | Date |
| Supervisor: | _____ | _____ | _____ |
| | Title/Signature | Print | Date |
| Reviewer: | _____ | _____ | _____ |
| | Title/Signature | Print | Date |
| Reviewer: | _____ | _____ | _____ |
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